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Letter dated 26 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report of Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 22 December 2006 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I refer to your letter of 29 July 2005 and have the honour to forward to you the fifth report of the Government of Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

Greece attaches great importance to the implementation of resolution 1373 (2001) of the Security Council, and for this reason it wishes to continue to engage in a constructive dialogue with the Committee.

(*Signed*) Adamantios Th. **Vassilakis**
Ambassador
Permanent Representative

Enclosure*

Fifth report of Greece pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Further information on implementation measures
Section 1.1

The entry into force of the draft law on Money Laundering and Terrorist Financing (page 2, point 1.4)

The Law on Money Laundering and Terrorist Financing - Law 3424/2005 on the *"amendment, completion and replacement of provisions of Law 2331/1995"* (Official Gazette 173A'), which implements European Council Directive 2001/97/EC on the prevention of the use of the financial system for the purpose of money laundering" entered into force on December 13th 2005 (Government Gazette A 305/13-12-05).

The aforementioned Law has improved and strengthened **the** regulatory and functional framework of the existing legislation, which governs the prevention and suppression of money laundering and the financing of terrorism. The Law aims at preventing terrorists from accessing funds and using any financial information that may be deemed useful for their purposes.

Article 7 of the said Law provides for the establishment of an Independent 12 member Administrative Authority (F.I.U). The newly-established Authority, not only cooperates with credit and financial institutions, but is also supported by the Public Prosecutor's Office and competent judicial authorities. A member of the Ministry of Public Order participates in the aforementioned authority as a regular member. This member will assist in both the interrogatory process and in providing information which supports its tasks, according to the provisions of its regulatory framework.

It should also be noted that, according to para. 6 of article 40 Law 3251/2004 on *"European arrest warrant, amendment of Law 2928/2001 on criminal organizations"* several acts of supporting and financing terrorist activities are punished as independent crimes in themselves. Thus, Law Enforcement Services, within the context of their responsibilities, carry out investigations of the activities of suspect

* Annexes are on file with the Secretariat and are available for consultation.

individuals or legal entities and organizations, in the financing of terrorism (withdrawal of funds, etc). When required, competent Ministries and Bodies are asked to join and assist in such investigations.

The new law that will be submitted by the Ministry of Justice to the Greek Parliament to include those Decisions and Conventions not covered by the adoption of Law 3251/2004 (page 2, point 1.7 of the update of the fourth report)

The new Law (3424/2005 on Money Laundering and Terrorist Financing), as has been noted above, was submitted to the Greek Parliament and entered into force December 13th 2005. The crime of Terrorist Financing (T.F.) of Law 3251/2004 is included in the predicate offences of Law 3424/2005. Thus, all the provisions and mechanisms of preventing and combating money laundering are also used for countering terrorist financing. Moreover, by virtue of article 7 of Law 3424/2005, the Greek F.I.U. (the Independent National Authority for Combating Money Laundering) is responsible for receiving and communicating to banks and other financial institutions the names of terrorists and terrorist organizations included in the lists of the Sanctions Committees of the UN Security Council, in order to trace funds of these persons and/or entities and freeze such funds.

The Greek Anti-Money Laundering Legislation (Law 2331/1995 as amended by L.3424/2005) stipulates that credit and financial institutions and the Designated Non-Banking Persons (DNBP) report suspicious or unusual transactions to the Greek F.I.U. concerning possible money laundering and terrorist financing activities as they become predicate offences. Lawyers, legal firms, notaries, auditors, accountants, auditing firms, real-estate agents, auction houses, traders in goods of high value (precious stones, metals etc.) and tax advisors are included in the DNBP. As for trust and company service providers, these individuals are in most cases lawyers, notaries and accountants who have already been included in the Group of Designated Non-Banking Process.

Finally, regarding the Decisions and Conventions not covered by the adoption of Law 3251/2004, it should be noted that Framework Decision of 26 June 2001 on *"money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime"* was incorporated into Law 3424/2005. However, the following Decisions and Conventions are still pending parliamentary ratification: Framework Decision of 13 June 2002 on Joint Investigation

Teams; Council Decision of 28 February 2002 establishing Eurojust; the Convention of 29 May 2000 on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union, and the added protocol of 16 October 2001 to the Convention on Mutual Legal Assistance in Criminal Matters between the Member States and the European Union; and Framework-Decision of 22 July 2003 on the execution of orders freezing property or evidence.

The extent to which the 1999 Convention on the Suppression of the Financing of Terrorism has been incorporated into Greek Law

The 1999 Convention on the Suppression of the Financing of Terrorism was ratified and promulgated by Greek Law 3034/2002 on July 19 2002 (Government Gazette A168). The Law has incorporated the entire text of the Convention without any other supplementary provisions.

A Presidential Decree providing for a special police authority equipped with adequate trained personnel that will apply the specific competency (witness protection, etc.)

Article 9, par.2 of Law 2928/2001 *'for the modification of provisions of the Penal Code and Code of Penal Procedure and for the protection of citizens from punishable acts of criminal organizations"*, stipulates that during the penal process, measures for the effective protection of essential witnesses from acts of revenge or intimidation could be taken for acts which involve the establishment or participation in an organization of par. 1 of article 187 of the Penal Code (Criminal Organization) and for other relevant acts. According to article 187a (Criminal Acts) of the Penal Code, the aforementioned witnesses concern persons who aid in revealing criminal activities or of individuals related to these witnesses.

Protective measures refer to the personal protection with appropriately trained security personnel; the testimony with the use of electronic devices and its acoustic and/or visual transmission; the non-disclosure, in the examination report, of the name, birthplace, residence, workplace, profession and age. These measures are put into place following the reasoned order of the relevant Prosecutor of the Court of Misdemeanors. Other measures of protection include the modification of information of identity cards, as well as the posting, transfer or secondment, for an indefinite period, of civil servants (with the possibility of its recall), following the recommendation of the

Prosecutor of the Court of Misdemeanors and the decision of the relevant Minister. The Ministerial Decision may include a provision relating to its non-disclosure in the Government's Official Gazette, as well as other means to safeguard its secrecy.

The aforementioned protective measures are taken following the consent of the witness, and do not restrict his personal freedom beyond that which is necessary for his/her personal safety. The measures can be interrupted upon the written request of the witness or in the absence of cooperation on behalf of the witness for the effective implementation of these protective measures.

Par. 3 of article 39 of the Presidential Decree 48/2005, adds a provision to article 14 of Presidential Decree 1/2001, for the establishment of a Witness Protection Department, responsible for the protection of essential witnesses, at the Sub-division Against Organized Crime of the Security Directorate (of Attica and Thessaloniki).

These Agencies have been staffed with trained and qualified personnel of the Greek Police, and deal exclusively with witness protection as laid out in the aforementioned provisions.

A description of the activities of the "Security Organization" tasked with certifying Greek ports according to the ISPS Code

The task of the Security Organizations consists of conducting evaluations of the safety of port facilities and not of certifying these facilities.

To date, 14 such Security Organizations have been authorized to perform evaluations and have subsequently prepared evaluation reports for 19 public port facilities and 81 private ones, all of which have been approved by the Security Division of the Ministry of Mercantile Marine.

Progress on those nine facilities not meeting the ISPS code criteria (page 7 of the update of the fourth report)

Following a re-examination of the evaluations of the security of the 9 private port facilities, all 9 facilities have been approved. Currently, there are 2 new security evaluation reports which await approval and concern private port facilities.

Evaluation reports and security designs for the following public ports have been submitted and approved: Piraeus, Alexandroupoli,

Eleusis, Kavala, Herakleion, Corfu, and Igoumenitsa. Evaluation reports and security designs which are still pending concern the ports of Thessaloniki, Volos, and Patra, whereas an evaluation report and security design for the port of Laurio have both been submitted and awaits approval.